

### **REMARKS**

Applicants appreciate the Examiner's thorough examination of the present application as evidenced by the Office Action of March 17, 2004 (hereinafter "Office Action").

Applicants especially appreciate the allowance of Claim 49 and the indication that Claims 4, 10, 20, 27, 30, 41, and 44 recite patentable subject matter. Rather than write these claims in independent form at this time, Applicants respectfully submit that the cited references fail to disclose the recitations of the independent claims. Accordingly, Applicants submit that all pending claims are in condition for allowance. Favorable reconsideration of all pending claims is respectfully requested for at least the reasons discussed hereafter.

#### **Independent Claims 1, 9, 47, and 48 are Patentable**

Independent Claims 1, 9, 47, and 48 stand rejected under 35 U.S.C. §102(e) as being anticipated by U. S. Patent No. 6,597,927 to Eswara et al. (hereinafter "Eswara").

Independent Claims 1, 9, 47, and 48 have been amended to clarify that the coordinated frequency hopping is based on a hopping sequence. The Office Action cites text at col. 1, lines 62 - 64 of Eswara as disclosing this aspect of the present invention. (Office Action, page 4). Applicants respectfully submit that the Mobile Assisted Channel Allocations (MACA) list is merely a list of traffic channels that a mobile terminal may use in a particular cell (Eswara, col. 1, lines 64 - 66). This list does not comprise a hopping sequence. Rather, a mobile terminal may use various ones of the frequencies in the MACA list if it moves in areas of the cell covered by various antennas, but Eswara does not include any suggestion of using ones of the frequencies in the MACA list to form a hopping sequence.

Accordingly, for at least the foregoing reasons, Applicants respectfully submit that independent Claims 1, 9, 47, and 48 are patentable over Eswara and that Claims 2 - 8, 10 - 12, and 14 - 18 are patentable at least per the patentability of independent Claims 1 and 9.

#### **Independent Claim 19 is Patentable**

Independent Claim 19 stands rejected under 35 U.S.C. §102(e) as being anticipated by Eswara and also U. S. Patent No. 6,256,486 to Barany et al. (hereinafter "Barany").

Independent Claim 19 has been amended to incorporate recitations from Claim 23 to clarify

that a hopping sequence is transmitted to the mobile terminal using the control frequency. As discussed above, Eswara does not disclose or suggest the use of a hopping sequence. Furthermore, the Office Action does not include any allegation that Barany discloses or suggests the use of a hopping sequence. Applicants submit that Barany, like Eswara, does not disclose or suggest the use of a hopping sequence.

Accordingly, for at least the foregoing reasons, Applicants respectfully submit that independent Claim 19 is patentable over Eswara and Barany and that Claims 20 - 22 and 24 - 32 are patentable at least per the patentability of independent Claim 19.

#### **Independent Claim 33 is Patentable**

Independent Claim 33 stands rejected under 35 U.S.C. §103(a) as being obvious over Eswara in view of Barany. Independent Claim 33 has been amended to incorporate recitations from Claim 37 to clarify that a hopping sequence is transmitted to the mobile terminal using the control frequency. As discussed above, Eswara does not disclose or suggest the use of a hopping sequence. Furthermore, the Office Action does not include any allegation that Barany discloses or suggests the use of a hopping sequence. Applicants submit that Barany, like Eswara, does not disclose or suggest the use of a hopping sequence.

Accordingly, for at least the foregoing reasons, Applicants respectfully submit that independent Claim 33 is patentable over Eswara and Barany and that Claims 34 - 36 and 38 - 46 are patentable at least per the patentability of independent Claim 33.

#### **Independent Claim 50 is Patentable**

Independent Claim 50 stands rejected under 35 U.S.C. §102(e) as being anticipated by Barany. Independent Claim 50 recites:

- assigning a control frequency to a cell in which the mobile terminal is located;
- using the control frequency to exchange control information between the mobile terminal and the base station subsystem, the exchange of control information being constrained to the control frequency;
- assigning a plurality of traffic frequencies to the cell in which the mobile terminal is located, each of the plurality of traffic frequencies being associated with an equivalence class of frequencies;

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**randomly selecting a frequency from each of the plurality of  
equivalence classes of frequencies; and  
using the randomly selected frequencies to communicate traffic  
information between the mobile terminal and the base station subsystem.**

Applicants respectfully submit that Barany does not disclose or suggest, at least, the highlighted recitations above. That is, Barany does not disclose or suggest using randomly selected frequencies from each of a plurality of equivalence classes of frequencies to communicate. The Office Action alleges that Barany discloses hopping between frequencies while a mobile terminal moves between coverage areas. (Office Action, page 7). Applicants respectfully submit, however, that such frequencies would not be randomly selected frequencies from each of a plurality of equivalence classes of frequencies as recited in Claim 50, but instead would be specific frequencies associated with a neighboring cell where the mobile terminal has moved.

Accordingly, for at least the foregoing reasons, Applicants respectfully submit that independent Claim 50 is patentable over Barany.

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### CONCLUSION

In light of the above amendments and remarks, Applicants respectfully submit that the above-entitled application is now in condition for allowance. Favorable reconsideration of this application, as amended, is respectfully requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (919) 854-1400.

It is not believed that an extension of time and/or additional fee(s)-including fees for net addition of claims-are required, beyond those that may otherwise be provided for in documents accompanying this paper. In the event, however, that an extension of time is necessary to allow consideration of this paper, such an extension is hereby petitioned under 37 C.F.R. §1.136(a). Any additional fees believed to be due in connection with this paper are hereby authorized to be charged to our Deposit Account No. 50-0220.

Respectfully submitted,



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